

REMARKS

Reconsideration of the application is respectfully requested.

Examiner has rejected Claim 1 under 35 U.S.C. § 102(b) for being anticipated by US 5,962,090 (the '090 Patent). Without acquiescing to the rejection and in order to advance prosecution, Applicant has amended Claim 1. The elements of a central spacer, opposing lateral members and means for retaining an interior film are not disclosed by the '090 Patent. Thus, the applicant respectfully submits that amended Claim 1 is not anticipated by the '090 Patent.

With respect to the Examiner's rejection under 35 U.S.C. § 103(a) that Claim 3 (or the now amended Claim 1) is unpatentable over US Patent 5,237,787 (the '787 Patent) in view of the '090 Patent, the Applicant respectfully traverses. The Applicant respectfully submits that the problem to be solved in this case is how to provide an effective seal, which is non-thermally conductive, while allowing for an internal film within the window. A particular problem to be solved is to prevent the ingress of sealant underneath the metal cap band. The present invention, as defined in the amended claims, does so by providing a central spacer and two lateral members. The metal band is bent into the sealing grooves defined by the lateral members. Thus, the central spacer is isolated from the sealant. In the cited prior art, the spacing member is not separated into a central spacer, and opposing lateral elements, and thus does not teach this method of sealing the window. The solution of the present invention thus allows an interior film to be retained by one of the two lateral members. This solution is submitted to be unique and inventive.

CONCLUSION

In view of the foregoing remarks and amendments, it is respectfully submitted that this application is in condition for allowance and allowance thereof is respectfully requested.

Respectfully submitted,

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